

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In Re:

**STIPULATION AND ORDER
RESOLVING MOTION FOR
RELIEF FROM AUTOMATIC STAY**

MICHAEL J EGIZIACO,

Case No. 17-36400-CGM
(Chapter 13)

Debtor.

WHEREAS, the debtor, Michael J Egiziaco, filed a Chapter 13 bankruptcy proceeding on August 17, 2017.

WHEREAS, Wells Fargo Bank, N.A. dba Wells Fargo Dealer Services, is a secured creditor herein and the holder of a duly perfected purchase money security interest in one (1) 2007 Cadillac STS-V6 (V.I.N. 1G6DW677370118546), owned by and upon information and belief, in the possession and control of the debtor.

WHEREAS, on or about October 20, 2017, Wells Fargo Bank, N.A. dba Wells Fargo Dealer Services filed a Motion for Relief from Stay.

WHEREAS, a hearing is scheduled for December 19, 2017 at 10:50 a.m. before the Honorable Cecelia G. Morris in Poughkeepsie, New York.

WHEREAS, the parties have agreed to enter into a Stipulation.

NOW, upon all pleadings and proceedings heretofore had herein, and the parties having stipulated to the following:

1. The debtor shall cure existing arrears in the amount of \$1,349.04, and continue ongoing payments by making a series of payments as follows: (1) debtor shall make payment to Wells Fargo Bank, N.A. dba Wells Fargo Dealer Services in the amount of \$616.06 on or before January 7, 2018; (2) debtor shall make payment to Wells Fargo Bank, N.A. dba Wells Fargo Dealer Services in the amount of \$616.06 on or before February 7, 2018; (3) debtor shall make payment to Wells Fargo Bank, N.A. dba Wells Fargo Dealer Services in the amount of \$616.06 on or before March 7, 2018; (4) debtor shall make payment to Wells Fargo Bank, N.A. dba Wells Fargo Dealer Services in the amount of \$616.06 on or

before April 7, 2018; and (5) debtor shall make payment to Wells Fargo Bank, N.A. dba Wells Fargo Dealer Services in the amount of \$616.06 on or before May 7, 2018.

2. That upon any default by the debtor on any payment set forth hereinabove then Wells Fargo Bank, N.A. dba Wells Fargo Dealer Service may file and serve a Certificate of Non-Compliance upon seven (7) days' notice to the debtor and debtor's counsel after which the court may enter an Order Granting Relief from the Automatic Stay.

3. That debtor shall pay pre petition arrears in the amount of \$2,100.56 to Wells Fargo Bank, N.A. dba Wells Fargo Dealer Service through his Chapter 13 Plan and amend his plan to reflect same, to the extent deemed necessary by the Chapter 13 Trustee.

DATED: Latham, New York
December 22, 2017

/s/ Martin A. Mooney
Martin A. Mooney, Esq.
SCHILLER, KNAPP, LEFKOWITZ & HERTZEL
Attorney for Creditor
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DATED: Carmel, New York
December 22, 2017

/s/ Frank J. Corigliano
The O'Reilly Law Firm
Frank J. Corigliano, Esq.
Attorney for Debtor
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Dated: December 29, 2017
Poughkeepsie, New York



/s/ Cecelia G. Morris
Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge